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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,789	08/06/2001	David Mark Frohlich	1509-142	7946

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EXAMINER

LAM, HUNG H

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/890,789	FROHLICH ET AL.	
	Examiner	Art Unit	
	Hung H. Lam	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-23, and 25-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-23, and 25-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05/23/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendments, filed on 05/23/2005, have been entered and made of record. Claims 7 and 24 are cancelled. Claims 1-6, 8-23, and 25-26 are pending.
2. The Information Disclosure Statement filed with the present application does not list all the references in the specification. Therefore, unless references have been listed in the PTO-1449, the examiner has not considered them.

In view of the Applicant's amended title and cancellation in claim 24, objection to the title and claim 24 are hereby withdrawn.

Response to Arguments

3. Applicant's arguments see Amendment (Remarks), page 10 filed 05/23/05, with respect to the rejection(s) of claim(s) 1-24 have been fully considered but they are not persuasive. The amended claims are rejected in view of the same reference as cited in the previous Office Action.

With respect to independent claims **1, 25 and 26**, the Applicants argue that Pavley (US-6,317,141) fails to teach or suggest a digital camera wherein the still image file can be associated with particular point of time or period of time in the sound passage of a sound passage file. The Examiner respectfully disagrees. Pavley teaches a camera wherein one of the still image and

sequential images are displayed for a predefined time on the screen while any associated audio are played (Col. 12, Ln. 6-13). Pavley further teaches that the audio and video editing screen are operated and appeared the same and thereby allowing the operator to select a particular point of time in the sound wave for associating with other media object (Col. 14, Ln. 17-52). Furthermore, Pavley teaches the media objects having one or more media types associated therewith, wherein the media types include a still image, sequential image, video, and audio (Col. 2, Ln. 39-56; Col. 7, Ln. 37-67 – Col. 8, Ln. 1-15). In addition, the duration of the media object during the slide-show are provided with three setting: a predefined fixed 3 second duration, an automatic setting causing the media object to be played for the duration of the associated audio object and a random setting wherein the user randomly branches to the associated media objects (still image, audio) and continue on with the slide show presentation (Col. 15, Ln. 65-67 – Col. 16, Ln. 1-20).

In view of the above, the Examiner believes that the broadest interpretation of the present claimed invention does in fact read on the cited reference for at least the reasons discussed above and as stated in the detail Office Action as follows. This Office Action is now made final.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-6, 10, 12-18, 20, 22-23 and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Pavley et al. (US-6,317,141).

Regarding **claim 1**, Pavley et al. disclose a digital camera comprising:

camera apparatus (Fig. 1, 100) for capturing still images (Col. 3, Ln. 55-60).

sound recording apparatus (142) for capturing sound passages (Col. 7, Ln. 3-23; Col. 4, Ln. 10-14).

a memory (126, 128, 122) for retaining still images as still image files and sound passages as sound passage files (Col. 5, Ln. 58-67 – Col. 6, Ln. 1-8); and

a user interface (Figs. 4a-4b, 206a-c) adapted for selectively linking one or more still image files with one or more sound passage files to form a linked group, and for selectively unlinking one or more files from a linked group (Col. 2, Ln. 39-56; Col. 7, Ln. 14-23; Col. 9, Ln. 49-67; media-objects can be a still image, video, or audio), the digital camera being adapted such that a still image file can be associated with a particular point of time or period of time in the sound passage of a sound passage file (Col. 12, Ln. 6-13; Pavley teaches a camera wherein one of the still image and sequential images are displayed for a predefined time on the screen while any associated audio are played; Col. 14, Ln. 17-52; Pavley further teaches that the audio and video editing screen are operated and appeared the same and thereby allowing the operator to select a particular point of time in the sound wave for associating with other media object. Further more, Pavley teaches the media objects having one or more media types associated therewith, wherein the media types include a still image, sequential image, video, and audio; see Col. 2, Ln. 39-56; Col. 7, Ln. 37-67 – Col. 8, Ln. 1-15. The duration of the media object during the slide-show are provided with three setting: a predefined fixed 3 second duration, an automatic setting causing the media object to be played for the duration of the associated audio

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object and a random setting wherein the user randomly branches to the associated media objects and continue on with the slide show presentation; see Col. 15, Ln. 65-67 – Col. 16, Ln. 1-20).

Regarding **claim 2**, Pavley et al. disclose a digital camera wherein a linked group includes one still image file with one or more sound passage files (Col. 7, Ln. 5-9; Col. 7, Ln. 14-23; one or more media-objects/sound/images types can be combined to form a linked group).

Regarding **claim 3**, Pavley et al. disclose a digital camera wherein a linked group may consist of one sound passage file with one or more still image files (Col. 7, Ln. 5-9; Col. 7, Ln. 14-23; one or more media-objects/sound/images types can be combined to form a linked group).

Regarding **claim 4**, Pavley et al. disclose a digital camera wherein the user interface is adapted such that a user can select a first and second view of the image files (Fig. 4A indicates the first view, and Fig. 4B indicates the second view) wherein in the first view a plurality of sound passage files, still image files or linked groups are displayed in an index format for review (Fig. 4A, Col. 7, Ln. 37-48), and wherein in the second view an individual sound passage file, still image file or linked group is adapted to be displayed for editing (Fig. 4A, selected image 302; Fig. 18, selected audio 452; Col. 8, Ln. 7-15; in response to a user pressing a key to edit, one or more specialized edit screens is invoked for editing the selected media object/sound/image file).

Regarding **claim 5**, Pavley et al. disclose a digital camera as claimed wherein in the second view an additional sound passage file, still image file or linked group is also displayable (Fig. 4b, filmstrip 352 and large thumbnail 354 display the selected media object), wherein the user interface is adapted to allow linkage between the displayed files to form a new linked group (Col. 9, Ln. 44-67- Col. 10, Ln. 1-25; the four-way navigational control 200 and the soft key with label 306a of Figs. 4B and 5 enable user to create or associate/ link more media objects/files to a temporary group).

Regarding **claim 6**, Pavley et al. disclose a digital camera wherein in the second view a further sound passage or still image is adapted to be captured and linked automatically to the individual sound passage file, still image file, or linked group displayed (Col. 7, Ln. 5-9; Col. 7, 20-32; the examiner notices that the automatically linking between captured image and sound passage are inherent from the annotated image).

Regarding **claim 10**, Pavley et al. disclose a digital camera, further comprising a time recording means to mark a captured still image or a captured sound passage with the time of recording (Col. 8, Ln. 36-40).

Regarding **claim 12**, Pavley et al. disclose a digital camera, wherein the user interface (Fig. 16, 308C) is adapted for selective deletion by a user of a still image file, a sound passage file or part of a sound passage file, or a linked group (Col. 10, Ln. 25-38; Col. 14, Ln. 1-17).

Regarding **claim 13**, Pavley et al. disclose a digital camera wherein the user interface is adapted such that sound passage files and still image files of a linked group are viewable, selectively, either as part of the linked group or independently of the linked group (Fig. 4A shows all linked media objects; Fig. 4B shows a larger view of an individual media object 302).

Regarding **claim 14**, Pavley et al. disclose a digital camera wherein the user interface is adapted so that the sound passage files, the still image files, and the linked objects are all presentable to the user as a separate sequence, and that the user can select between these separate sequences for browsing (Col. 15, Ln. 12-48).

Regarding **claim 15**, Pavley et al. disclose a digital camera wherein the memory is arranged to retain linked groups as separate sound passage files, still image files, and one or more index files containing linking information (Figs. 9A-B; Col. 11, Ln. 29-67 – Col. 12, Ln. 1-5).

Regarding **claim 16**, Pavley et al. disclose a digital camera wherein the memory is arranged to retain linked groups as multimedia files (Col. 3, Ln. 37-40), including sound passage information, still image information, and linking information (Fig. 3; Figs. 9A-B; Col. 6, Ln. 50-55; Col. 11, Ln. 29-67; Col. 12, Ln. 1-5, media objects and linking information are stored and fetched from memory).

Regarding **claim 17**, Pavley et al. disclose a digital camera wherein the sound passage files and the still image files are both multimedia files (Col. 3, Ln. 37-40; Col. 8, Ln. 50-64).

Regarding **claim 18**, Pavley et al. disclose a digital camera further comprising a further data recording device for recording of another data type (Col. 5, Ln. 50-67), and wherein the memory device is adapted to record the other data type as a further data type file (Col. 6, Ln. 1-8; Col. 6, Ln. 47-55), and wherein the user interface is adapted for selectively linking one or more further data type files into a linked group, and for selectively unlinking one or more further data type files from a linked group (Figs. 13-17, see user interface 308a-c for Video Editing Screen; Fig. 19, see user interface 308a-c for Text Editing Screen; Col. 9, Ln. 49-67; Col. 10, Ln. 19-38).

Regarding **claim 20**, Pavley et al. disclose a digital camera wherein the further data type is a video clip, and the further data recording device is a device for recording video clips (Fig. 3, video clip; Col. 5, Ln. 58-67- Col. 6, Ln. 1-8; Col. 6, Ln. 50-55).

Regarding **claim 22**, Pavley et al. disclose a digital camera wherein the memory includes a flash memory device (Fig. 1, mass storage device 122; Col. 6, Ln. 4-8).

Regarding **claim 23**, Pavley et al. disclose a digital camera wherein the digital camera is adapted to be handheld by a user for still image and sound passage capture (see Fig. 2A).

Regarding **claim 25**, Pavley et al. disclose a memory for a digital camera having a still image capture structure for capturing still images, sound recording apparatus for capturing sound

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passages, a user interface, and the memory (Figs. 1-2A; Col. 3, Ln. 55-60 – Col. 4, Ln. 1-34), the memory including a still image file and a set of instructions for (a) linking one or more of the captured still images with one or more of the captured sound passages to form a linked group (Col. 2, Ln. 39-56; Col. 7, Ln. 14-23; Col. 9, Ln. 49-67 – Col. 10, Ln. 1-35; Pavley teaches the “mark” function for adding image or media objects to the slide-show/group), (b) unlinking one or more elements from a linked group (Col. 9, Ln. 49-67; Pavley teaches the “Unmark” function for removing image or media objects to the slide-show/group), and (c) associating a still image file with a particular point of time or period of time in the sound passage or a sound passage file (Col. 12, Ln. 6-13; Pavley teaches a camera wherein one of the still image and sequential images are displayed for a predefined time on the screen while any associated audio are played; Col. 14, Ln. 17-52; Pavley further teaches that the audio and video editing screen are operated and appeared the same and thereby allowing the operator to select a particular point of time in the sound wave for associating with other media object. Further more, Pavley teaches the media objects having one or more media types associated therewith, wherein the media types include a still image, sequential image, video, and audio; see Col. 2, Ln. 39-56; Col. 7, Ln. 37-67 – Col. 8, Ln. 1-15. The duration of the media object during the slide-show are provided with three setting: a predefined fixed 3 second duration, an automatic setting causing the media object to be played for the duration of the associated audio object and a random setting wherein the user randomly branches to the associated media objects and continue on with the slide show presentation; see Col. 15, Ln. 65-67 – Col. 16, Ln. 1-20).

Regarding **claim 26**, Pavley et al. disclose 26. (Ne-) A method of operating a digital image capture apparatus, comprising:

capturing still images (Col. 3, Ln. 55-60);

capturing sound passages (Col. 5, Ln. 9; Col. 5, Ln. 60-67);

retaining still images as still image files and sound passages as sound passage files (Col. 9, Ln. 49-67 – Col. 10, Ln. 1-35; Col. 13, Ln. 33-44; Col. 14, Ln. 45-52; it is noticed that the still images and audio files may be selectively: marked/unmarked to a group, edited, changed the properties associated with the media objects; therefore, it is inherent that the still images and the sound passages may be retained as the still images and sound passage files respectively);

selectively linking one or more still image files with one or more sound passage files to form a linked group (Col. 2, Ln. 39-56; Col. 7, Ln. 14-23; Col. 9, Ln. 49-67 – Col. 10, Ln. 1-35; Pavley teaches the “mark” function for adding image or media objects to the slide-show/group);

selectively unlinking one or more files from a linked group (Col. 9, Ln. 49-67; Pavley teaches the “Unmark” function for removing image or media objects to the slide-show/group);
and

associating a still image file with a particular point of time or period of time in the sound passage of a sound passage file (Col. 12, Ln. 6-13; Pavley teaches a camera wherein one of the still image and sequential images are displayed for a predefined time on the screen while any associated audio are played; Col. 14, Ln. 17-52; Pavley further teaches that the audio and video editing screen are operated and appeared the same and thereby allowing the operator to select a particular point of time in the sound wave for associating with other media object. Further more, Pavley teaches the media objects having one or more media types associated therewith, wherein

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the media types include a still image, sequential image, video, and audio; see Col. 2, Ln. 39-56; Col. 7, Ln. 37-67 – Col. 8, Ln. 1-15. The duration of the media object during the slide-show are provided with three setting: a predefined fixed 3 second duration, an automatic setting causing the media object to be played for the duration of the associated audio object and a random setting wherein the user randomly branches to the associated media objects and continue on with the slide show presentation; see Col. 15, Ln. 65-67 – Col. 16, Ln. 1-20).

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 8, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pavley in view of Ejima et al. (US-6,327,423).

Regarding **claim 8**, Pavley et al. disclose a digital camera wherein the digital camera is capable of recording image annotation (Col. 7, Ln. 5-9). However, Pavley fails to explicitly disclose a digital camera wherein the digital camera is adapted such that the camera apparatus is adapted capture one or more still images at the same time that the sound recording apparatus is capturing a sound passage. However, the limitations are well known in the art as taught by Ejima et al.

In the same field of endeavor, Ejima teaches a digital camera, which enables users to capture sound and images simultaneously, and time out the sound recording by a sound

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recording switch (Figs. 14-15; Col. 1, Ln. 60-64; Col. 14, Ln. 5-27). Ejima further teaches a continuous photo shooting mode wherein users can shoot 1, 8, or 32 frames per second as long as the release switch is pressed (Col. 4, Ln. 45-57). In light of the teaching from Ejima, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera apparatus of Pavley with the recording sound and image apparatus taught by Ejima in order to simultaneously recording image and sound and control the sound recording process in a predetermined time.

Regarding **claim 9**, Pavley as modified by Ejima discloses a digital camera wherein any still images captured at the same time as a sound passage are provided initially as part of a linked group with the sound passage (Ejima; Col. 1, Ln. 60-67 – Col. 2, Ln. 1-3; Col. 14, Ln. 5-27; Col. 17, Ln. 58-60).

Regarding **claim 11**, Pavley et al. and Ejima contain all limitations in claim 8, and further disclose that the time recording means is adapted to mark the time of capture of a captured still image relative to a contemporaneously recorded sound passage (Pavley, Col. 8, Ln. 37-40).

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pavley in view of Ejima et al. (US-2002-0,057,294).

Regarding **claim 19**, Pavley et al. fail to disclose a digital camera wherein the further data type is handwriting data and the further data recording device is a device for recording

handwritten in a digital representation. However, the limitations are well known in the art as taught by Ejima et al.

In the same field of endeavor, Ejima teaches a digital camera which enables users to capture sound, images, and handwriting/memo (Sec. 0120-0123). Ejima further teaches that the memo in memory buffer 36 is stored in memory card 24 when the button 7B (enter) is pushed (Sec. 0124-25). In light of the teaching from Ejima, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the further data of Pavley by adding the handwriting/ memo data type taught by Ejima in order to provide a means to record and associate handwriting comments on the captured images.

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pavley in view of Keirsbilck (US-5,920,350).

Regarding **claim 21**, Pavley et al. fail to disclose a digital camera wherein the sound recording apparatus and the camera apparatus are arranged for data capture in a substantially common direction. However, the limitations are well known in the art as taught by Keirsbilck.

In the same field of endeavor, Keirsbilck teaches a digital camera wherein the microphone's apertures are extended from the front and rear of the camera (Fig. 1, 22; Col 3, Ln. 20-30). Keirsbilck further teaches that the microphone is capable of receiving bi-directional sound (Col. 3, Ln. 13-19). In light of the teaching from Keirsbilck, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify sound recording apparatus of Pavley by having a bi-directional microphone taught by Keirsbilck in order to detect

the sound from the scene as well as from the rear, and reduce noises from background, and camera mechanism (Keirsbilck; Col. 3, Ln. 1-19).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung H. Lam whose telephone number is 571-272-7367. The examiner can normally be reached on Monday - Friday 8AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, NGOC YEN VU can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HL

08/05/05



NGOC-YEN VU
PRIMARY EXAMINER